

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

AN EASEMENT AND RIGHT-OF-WAY
OVER 8.09 ACRES OF LAND,
MORE OR LESS, IN MONTGOMERY
COUNTY, TENNESSEE

JAMES H. MAYNARD, as trustee of the
Bessie Maynard Trust
JAMES HENRY MAYNARD, III
SAMUEL LEWIS MAYNARD
COURTNEY DOANE CAUDILL
WILLIAM MAYNARD
Defendants

Civil Action No. 3:07-cv-01012
Judge Wiseman

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that (1) Defendant Paul Cooper was dropped as a Defendant herein by this Court's Order dated November 7, 2007 (DN 9), (2) the Commission appointed herein awarded \$340,784 as just compensation for the taking of the easement and right-of-way herein condemned (DN 23), to which award the parties have no objections, as shown below by the signatures of their counsel, and (3) Plaintiff has deposited in this action the sum of \$353,701.36, including interest provided by law, \$116,500 of which, plus interest earned thereon less the statutory users' fee on said interest, has been disbursed to Defendants, by prior order of this Court (DN 18), leaving \$237,201.36 on deposit in

the registry of this Court in this action, the disbursement of which is provided for in paragraph 2 below.

It is, therefore, Ordered and Adjudged that:

1. Defendants shall recover from Plaintiff \$340,784 as just compensation for the taking of the easement and right-of-way herein condemned.
2. The Clerk of this Court is authorized and directed to draw a check in the amount of \$237,201.36 (said amount being the sum of \$353,701.36 deposited by Plaintiff herein including interest provided by law less the above-mentioned \$116,500) payable to James H. Maynard, as Trustee of the Bessie Maynard Trust, and to mail said check to Clark H. Tidwell, Esq., Lassiter, Tidwell, Davis, Keller & Hogan, PLLC, 150 Fourth Avenue North, One Nashville Place, Suite 1850, Nashville, Tennessee 37219.
3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein (DN 2), is hereby fully and finally confirmed with respect to the easement and right-of-way described below (said description being the same as Attachment 1 to the Declaration of Taking):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of the Tennessee Valley Authority and its contractors in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MSE-42

A parcel of land located in the Third Civil District of Montgomery County, City of Clarksville, State of Tennessee, as shown on maps entitled "Montgomery-Oakwood Transmission Line," drawing LW-8527, sheets 5, R.0, and 6, R.3, the portion of said map which shows said parcel of land being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Beginning at a point where the centerline of the transmission line location crosses the east property line of the land of James H. Maynard, Trustee, and the west property line of the land of William D. Hadley Limited Partnership at survey station 541+65.50, said point being N. 7° 07' 01" E., 437 feet from a property corner common between the lands of James H. Maynard, Trustee, and William D. Hadley Limited Partnership; thence leaving said point and with the said property line S. 7° 07' 01" W., 50.22 feet to a point, said point being in the south right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 88° 16' 12" W., 1,689.77 feet to a point; thence leaving said point and continuing with said right-of-way line N. 68° 39' 10" W., 767.19 feet to a point; thence leaving said point and continuing with said right-of-way line N. 55° 05' 10" W., 778.73 feet to a point; thence leaving said point and continuing with said right-of-way S. 83° 49' 56" W., 221.07 feet to a point, said point being in the southwest property line of the land of James H. Maynard, Trustee, and in the northeast property line of the land of J & N Enterprises, Inc.; thence leaving said point and with the said property line N. 54° 39' 45" W., 75.45 feet to a point, said point being on the centerline of the said location at survey station 576+91.80, said point being S. 54° 39' 45" E., 23.05 feet from a property corner common between the lands of James H. Maynard, Trustee, J & N Enterprises, Inc., and the City of Clarksville, Tennessee (Tobacco Road), said property corner being 15.27 feet right of survey station 577+09.02; thence leaving said point and continuing with said property line N. 54° 39' 45" W., 23.05 feet to a point, said point being said property corner; thence leaving said point and with the north property line of the land of James H. Maynard, Trustee, and the south road right-of-way line of the land of the City of Clarksville, Tennessee (Tobacco Road), N. 74° 23' 24" E., 76.14 feet to a point; thence leaving said point and continuing with said property line and said road right-of-way line N. 69° 43' 33" E., 91.24 feet to a point, said point being in the north right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 83° 49' 56" E., 168.71 feet to a point; thence leaving said point and continuing with said right-of-way line S. 55° 05' 10" E., 804.31 feet to a point; thence leaving said point and continuing with said right-of-way line S. 68° 39' 10" E., 738 feet to a point; thence leaving said point and continuing with said right-of-way line S. 88° 16' 09" E., 1,681.91 feet to a point, said point being in the east property line of the land of James H. Maynard, Trustee, and in the west property line of the land of William D. Hadley Limited Partnership; thence leaving said point and with the said property line S. 7° 07' 01" W., 50.22 feet to the point of beginning and containing 8.09 acres, more or less.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way

for the transmission line structures located at survey stations 558+51.33, 566+03.93, and 573+95.45.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract MSE-42A, City of Clarksville, Tennessee (Tobacco Road), the adjoining road right-of-way as shown on the map referenced above.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — James H. Maynard, Trustee of the Bessie Maynard Trust (Deed Book 1124, page 824) — tax map 30, parcel 6.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and

Order Disbursing Funds which shall serve as a muniment of title.

It is so ORDERED.



Thomas A. Skinner, Jr.
United States District Judge

s/Philip J. Pfeifer

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s/Clark H. Tidwell (by permission)

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